

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
December 14, 2005**

Place: Auditorium
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Forman, Kenny, Spain, Bigelow

STAFF ATTENDING: Ginsberg, Keating
COURT RECORDER: Syat

At 8:00 P.M., Chairman Damanti read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Application for Approval of Affordable Housing, Coastal Site Plan Review #150-A, Land Filling & Regrading Application #147, Christopher and Margaret Stefanoni, 77 Nearwater Lane. Proposing to raze the existing residence and to construct 20 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in two new buildings with associated parking and regrading, and to perform related site development activities within a regulated area. The subject property is located on the west side of Nearwater Lane approximately 300 feet south of the intersection of Nearwater Lane and Nickerson Lane, and is shown on Assessor's Map #52 as Lot #5, R-1 Zone. *The Public Hearing for this application was opened on November 1, 2005 and continued to November 29, 2005 and December 6, 2005.*

Mr. Damanti noted that this is a continuation of the Public Hearing on this matter, and the EPC has also continued their Public Hearing from this evening to January 4, 2006.

Appraiser Christopher Kerin of Kerin & Fazio LLC said that he was asked to do an analysis and submitted a copy of his November 22, 2005 report entitled, "Impact Study of a Proposed 20-Unit Multifamily Housing Complex". He looked at the impact on adjacent properties, neighboring properties and the site itself. He reviewed his report and noted that the subject application will have a negative impact on the six adjacent properties. It will have a substantial increase in development on the subject site, but will have little or no impact on the properties within the general neighborhood. He referred to the needed correction on page 5 of his report regarding the caption for a photograph. The development will have a detrimental impact on adjacent properties due to the density of 20 units per acre. It is greater in size, height and building coverage than neighboring properties with the Floor Area Ratio (FAR) of about 65%. As reference, other adjacent properties have a Floor Area Ratio of approximately 10%. This property is in the heart of a single-family neighborhood and is not shielded in any way from adjacent properties. He therefore believes that it is not in harmony with the neighborhood. It is in an affluent, single-family neighborhood, and higher-priced sites are more susceptible to price impacts and impacts on value. He believes that the loss in value of adjacent properties would be in the range of 5%-10%, which would be in the range

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
DECEMBER 14, 2005
PAGE 2

of a total of 1.2 to 2.4 million dollars. He believes that the affordable units would have no negative impacts, rather it is the building size that creates the impact. The land value of 77 Nearwater Lane would increase. He had reviewed the numbers submitted by Mrs. Stefanoni, as well as e-mail from Attorney Timothy Hollister. He reviewed those numbers including the interest rates, and he noted that the real value increase of the Stefanoni property would be the 14 market rate condominium units, which would be in the range of 14 million dollars. He said that one of the issues with the affordable units is making sure that they stay affordable. Mr. Kerin had never heard of an owner having to sell due to any increases in their income, and such situations are usually set up with a deed restriction for resale and/or future rental. Mr. Spain noted that the provisions of the condominium should say that market units will continue to subsidize the affordable units over time.

Mr. Kerin said that it is not typical for such buildings to be in the midst of a single-family area, and usually such large-scale complexes about a highway or commercial or industrial uses. He did review the MIT study, and noted that those developments were also in transitional areas. If they were placed in the middle of a single-family neighborhood, they too would impact property values.

At about 8:40 P.M., Mr. Mark Davis of Tighe & Bond Engineers then read aloud his four-page December 13, 2005 letter/report. He said that he had reviewed the information, visited the site, and recommended that there be two parking spaces per unit. He believed that there is no justification to reduce parking on-site and that there should not be any on-street parking on Nearwater Lane. He believed that the 24 foot wide access driveway proposed would be adequate, but the Stefanonis should realign the driveway and increase the turning radii. In addition, a stop line/bar and stop sign should be included. He believed that the sight line information submitted is inadequate, and that the setback of the first parking space is good. He said that the turnaround is acceptable. He noted that the sight lines are partially obstructed by tree trunks, which are now in the street right-of-way and that one needs 412 feet of sight line for 85% speed. The Stefanonis background Traffic Report assumes a 2% annual increase, which is reasonable. He said that more information is needed for the sight line, parking on-site, the final driveway design, and signs, walls and landscaping details are also needed.

Mr. Kenny then asked about SU 30 vehicles entering or exiting the site, and any overflow parking on the street. Mr. Davis responded that an SU 30 vehicle is a single unit, 30 foot long "garbage truck size" vehicle. He has not had an opportunity to review the issue relative to this site. Regarding overflow parking, Mr. Davis emphasized that overflow parking should be on-site, and that one could build more parking on-site if overflow is needed. There does not, however, appear to be room for 10 more parking spaces on this site. Mr. Spain asked whether parked cars on Nearwater Lane could block a public view from the sidewalk parallel to Nearwater Lane. Mr. Davis responded that he would need to further study that issue.

Mr. Damanti asked what the parking setbacks should be from the neighboring properties. Mr. Davis looked at the plans and said that there is now very little buffer area proposed between the Calby property to the north and the parking spaces on the Stefanoni property—it appears to be about three feet.

At approximately 9:15 P.M., Joe Canas of Tighe & Bond Engineers said that he had reviewed the drainage plan dated November 15, 2005 and submitted information and visited the site. He has not

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
DECEMBER 14, 2005
PAGE 3

yet reviewed the plan submitted December 14, 2005. He then reviewed his December 9, 2005 memorandum with the Commission.

Mr. Ginsberg noted that the applicant had submitted revised plans earlier today, and that he had copies for the Commission members. Mr. Damanti noted that the Commission members have not yet had an opportunity to review that revised plan.

Mr. Canas explained that additional, detailed information is needed. He said that the applicants should assume 30% void space instead of 40% in order to be more conservative. He then had other recommended changes. One of his concerns was the effective hydrostatic pressure of the ground water. He said that approximately 200 feet south of this site is the outlet from the street drainage, and increasing the flow might increase erosion, which is already occurring.

In response to questions, Mr. Canas said the Vortechincs system can catch approximately 77% of the total suspended solids. They will need inspection and maintenance per the manufacturer's specifications. Mr. Spain asked Mr. Canas where the footing drains from the Stefanoni's property now go. Mr. Canas responded that he did not know.

Mr. Kenny asked how often the Vortechinc units need to be replaced. Mr. Canas responded that they would not necessarily be replaced unless they are undersized. Mr. Kenny then asked about the frequency of maintenance of the units. Mr. Canas responded that it is done by visual inspection, and Vortechincs has a design protocol. Mr. Kenny asked whether there would be any impact to this project from a Category 1 Hurricane. Mr. Canas said that he did not review this question. Mr. Damanti asked Mr. Canas to review the new plans submitted earlier today and return to the Commission with any comments.

At approximately 10 P.M., Attorney Bruce Hill explained that as of 3 P.M. today, there was apparently a new site plan submitted. He noted that hundreds of hours have already been spent analyzing the November 15th plan submitted by the Stefanonis. He believed that the application should be denied based upon the failure to provide a complete application in a timely manner. He said that the neighbors cannot expect to review "a moving target."

Mr. Ginsberg noted that at approximately 5 P.M. this evening, the Environmental Protection Commission (EPC) met to discuss possible jurisdiction over the application.

Ms. Margaret Stefanoni said that a majority of the changes on the new site plan were in response to issues in the Tighe and Bond report, and to other comments received during the Public Hearing. Most of those changes had to do with revising the location of the drainage structures. She then said that Mr. Barry Hammons is present this evening to explain the changes.

Mr. Hill then claimed that changing and revising the plans on the fourth night of the Public Hearings is patently unfair and unacceptable, and the application should be denied due to incompleteness.

Dr. Robert S. De Santo, of the Institute of Environmental Stewardship said that his December 1, 2005 report has been submitted for the record. He looked at contaminants on the ground and in the runoff water. The number of vehicles and the number of axles and distances traveled should be

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
DECEMBER 14, 2005
PAGE 4

factored into determining how much pollution there will be. Stormwater runoff from the site developed as proposed, will have a concentration of contaminants in the first flush of rain events. Vortech units do not catch very fine material, so many contaminants get through. There is a cumulative collection of pollutants. He then submitted a photograph of the neighborhood highlighting 14 single-family homes and the site. He noted that each dot represents 15 vehicle trips per day. The more vehicles and the more trips means that there is more pollution, and this property will have 17.81 times more traffic than other sites in the area, and more traffic than at this site today. Dr. De Santo said that the treatment train needs an open-air, vegetative treatment for some biological contaminants. Some elements like copper and zinc will not be biofiltered out, and will impact marine life. Dr. De Santo continued by noting that the numbers shown on Page 10 of this report are a slightly different approach. He will submit additional information to clarify both approaches. He said that he had never found a system this complex. This system will inevitably fail due to the need for constant maintenance and management. The medium-sized Vortech system could cost \$40,000., and management of the system is critical. It needs conscientious care. He believed that the nature of this proposal is completely out of ecological place with this neighborhood.

Mr. Spain noted that Dr. De Santo's report does not take into account the waste collection drippings that were discussed by Mr. Sali in his testimony before this Commission.

At approximately 10:45 P.M., Bob Duff, State Legislator then spoke. He said that he is the former Senate Chairman of the Housing Committee and believed that this project is not right for Darien, and that it does not meet the spirit of Section 8-30g. of the Connecticut General Statutes. He believes that the plan should be rejected outright.

Joseph R. Warren, Sr. of 114 Hecker Avenue said that the Commission should not approve or modify and approve the application. He said that the project does not meet the spirit of the statute, and the statute needs to be modified to clearly reflect that spirit. He said that residents should attend a burn drill at the special practice structure to see how the emergency equipment of the Fire Department works and the space needed to fight a fire, and how a fire is fought. In his personal opinion, the density proposed creates problems for the safety of residents and emergency workers. He said not to forget that passion and emotion when evaluating the facts and details of this application. He said that overall, he believes that the project is not appropriate for Nearwater Lane in Darien.

Ms. Marian Bennett of 80 Nearwater Lane (the Weed House) then spoke. She said that old photographs show wetlands all around Holly Pond and that she agrees with Joe Warren about the inappropriateness of this project on Nearwater Lane. They are adding more speeding cars on the already narrow Nearwater Lane, which would be dangerous. She does not agree with the traffic consultant who said that it would be all right. Just because there might be the space to absorb the added traffic in the street, it is not acceptable to do so. She said that her parents live in an Edgehill Complex in Stamford, and several times that complex has expanded the parking areas, and the residents who live there like to keep their two cars, and the help needs to park their cars on the street. She said that birds and wildlife are abundant in the area due to the biodiversity of the area, and the Commission should not allow anything to impact it. She said that construction upstream could lead to materials in the pond downstream. She said that currently parking on Nearwater Lane

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
DECEMBER 14, 2005
PAGE 5

is needed for some house construction projects, and asked where the construction vehicles would park. This needs to be strictly regulated. Overall, she said that she is in opposition to the project.

Ms. Margaret Stefanoni then asked whether the Town wants more information per Tighe & Bond Engineers comments and their requests, and she submitted copies of the revised plans.

It being late in the evening, Mr. Damanti entertained a motion to continue the hearing to another night. Ms. Forman made a motion to continue the Public Hearing to January 10, 2006 at 8 p.m. in the Auditorium. That motion was seconded by Mr. Bigelow and unanimously approved.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

12142005min